

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: Geraldine Bernadin,

Debtor,

In re: Geraldine Bernadin,

Debtor,

v.

U.S. Bank National Association as Trustee,
Successor in Interest Wachovia Bank
National Association, as Trustee for Merrill
Lynch Investors Trust, Mortgage Loan Asset
Backed Certificates, Series 2005-A6, *et al*,

Defendants.

CHAPTER 13

BANKRUPTCY NO. 18-12717 (ELF)

Adv. # 18-281 (ELF)

**APPELLEE’S RESPONSE TO APPELLANT’S STATEMENT OF ISSUES ON APPEAL
AND DESIGNATION OF ADDITIONAL ITEMS TO BE INCLUDED IN THE RECORD
ON APPEAL**

Defendant/Appellee, U.S. Bank National Association, as Trustee, Successor in Interest to Wachovia Bank National Association as Trustee for Merrill Lynch Investors Trust, Mortgage Loan Asset Backed Certificates, Series 2005-A6 (“Appellee”), by and through its undersigned counsel, hereby files this Response to Appellant’s Statement of Issues on Appeal and Designation of Additional Items to Be Included in the Record on Appeal.

APPELLEE’S RESPONSE TO APPELLANT’S STATEMENT OF ISSUES ON APPEAL

In her Statement of Issues on Appeal, Debtor/Appellant, Geraldine Bernadin (“Appellant”), improperly phrased her statements as if they were questions presented and included a suggested answer in response to her first statement. This suggested answer is not permitted or contemplated anywhere in the Federal Rules of Bankruptcy Procedure or in this

Honorable Court's Local Rules. Appellant's failure to comply with these rules is prejudicial to Appellee and constitutes grounds for dismissal of this appeal pursuant to Local Rule 8009-1. Appellee reserves all of its applicable rights with respect to Appellant's failure to comply with the Federal Rules of Bankruptcy Procedure and the Local Rules.

ADDITIONAL ITEMS FROM BANKRUPTCY CASE NO. 18-12717-ELF TO BE INCLUDED IN THE RECORD ON APPEAL

1. Docket No. 1. Appellant's Chapter 13 Voluntary Petition.
2. Docket No. 5. Appellant's Chapter 13 Plan.
3. Docket No. 7. Appellant's Chapter 13 Statement of Monthly Income and Calculation of Commitment Period for 3 Years Form 122C-1.
4. Docket No. 8. Appellant's Schedules A/B-J.
5. Docket No. 15. Appellee's Objection to Confirmation of Plan.
6. Docket No. 16. Chapter 13 Trustee's Objection to Confirmation of Plan.
7. Docket No. 19. Chapter 13 Trustee's Motion to Dismiss for Failure to Make Plan Payments.

ADDITIONAL ITEMS FROM BANKRUPTCY CASE NO. 18-00281-ELF TO BE INCLUDED IN THE RECORD ON APPEAL

1. Docket No. 11. Phelan Hallinan Diamond & Jones, LLP's ("Phelan") Motion to Dismiss Adversary Proceeding.
2. Docket No. 22. Appellant's Response to Phelan's Motion to Dismiss Adversary Proceeding.
3. Docket No. 29. Amended Memorandum.
4. Docket No. 33. Pre-Trial Order.

5. Docket No. 41. Appellee and Ocwen Loan Servicing, LLC's ("Ocwen")
Response to Motion to Reconsider.

6. Docket No. 42. Appellee and Ocwen's Response to Debtor's Objection.

Respectfully submitted,

BLANK ROME LLP

/s/ Thomas P. Cialino

Thomas P. Cialino

Francis X. Crowley

One Logan Square

130 North 18th Street

Philadelphia, PA 19103

Tel: (215) 569-5500

Fax: 215.569.5555

Attorneys for Appellee

Dated: November 23, 2020

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing document to be served on the following by electronic mail:

Irwin Trauss, Esq.
Philadelphia Legal Assistance Center
718 Arch Street, Suite 300N
Philadelphia, Pennsylvania 19106
Attorneys for Appellant, Geraldine Bernadin

Dated: November 23, 2020

/s/ Thomas P. Cialino
Thomas P. Cialino